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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,625	06/26/2003	Shigeki Matsubara	KAS-183	4454

7590 10/30/2007
MATTINGLY, STANGER & MALUR, P.C.
SUITE 370
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314

EXAMINER

RAMILLANO, LORE JANET

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,625

Applicant(s)

MATSUBARA ET AL.

Examiner

Lore Ramillano

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/07 has been entered.

Status of Claims

2. In reply filed on 8/21/07, applicant amended claims 1-5. Claims 1-5 are pending and under examination in the application.

Response to Amendment

Claim Objections

3. The objection to claims 1, 3, and 4 are withdrawn.

Claim Rejections - 35 USC § 112

4. The rejections of claims 3-5 are rejected under 35 U.S.C. 112, first paragraph and second paragraph, are withdrawn. In light of applicant's amendments, a new rejection follows.

5. Claims 4-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "specified analysis unit." There is insufficient antecedent basis for this limitation in the claim.

Prior art rejections

6. The rejection over the prior art is maintained.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Ohishi et al. ("Ohishi," US 6019945).

Ohishi discloses an automatic analyzer comprising: a conveying unit for conveying a sample (20, Fig. 1); plural analysis units for analyzing the sample conveyed by said conveying line (i.e. 3A, 3B, and 3C, Fig. 1); a central control device for controlling said conveying unit and said analysis units (column 9, lines 43-50); and an information network (40, fig. 1) connecting said central control device and said analysis units, wherein said central control device has a function to separating each of said analysis units from said information network to enable shut off a power supply of a separated one of said analysis units, functions to turn on said power supply of said one analysis unit that has been separated from said information network, and load system software into said one analysis unit, so that said analysis unit returns to an operable state. (i.e. column 9, line 43 to column 10, line 23).

Ohishi further discloses an automatic analyzer comprising: a mode setting screen for displaying said conveying unit and said analysis units (column 4, lines 47-50), and for specifying any one of displayed conveying line and a displayed analysis unit to be separated by said central

Art Unit: 1797

control device from said information network of said central control device to shut off a power supply of said conveying unit or said analysis unit. In addition, Ohishi discloses that the mode setting screen repeats an operation for specifying any one of said conveying line and said analysis unit, so that said central control device switches between enabling shutting off of said power supply of said specified analysis unit to separate said specified analysis unit from said information network, and again turning on said power supply of said analysis unit to connect said specified analysis unit to said information network. Also, Ohishi discloses that the central control unit is responsive to said mode setting screen specifying any one of the sections displayed on said display means to thereby perform switching between the separation of the specified section from the control of said central control device and the reconnection thereof to said central control device (i.e. column 9, line 43 to column 10, line 23).

Response to Arguments

9. Applicant's arguments filed on 8/21/07 have been fully considered but they are not persuasive.


In response to applicant's argument that Ohishi does not disclose a central control device that has a function to separate each of the analysis units from an information network to shut off a power supply of a separated analysis unit, examiner disagrees. As indicated in column 9, lines 43-50 of Ohishi, Ohishi discloses applicant's claimed invention, as amended. In light of Ohishi's teaching, cited above, it appears that Ohishi properly reads on applicant's amended claim language in claim 1 since Ohishi also teaches a computer that controls the analysis units and power functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lore Ramillano whose telephone number is (571) 272-7420. The examiner can normally be reached on Mon. to Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lore Ramillano
Examiner
Art Unit 1743


Jill Warden
Supervisory Patent Examiner
Technology Center 1700